IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

REVIEW PETITION (L) NO. 47 OF 2006

IN

WRIT PETITION NO. 2726 OF 2005

Subhoday Land Developers Pvt. Ltd. .. Petitioners

V/s

Mariamma Nagar Co-op. Housing Society & Ors. .. Respondents

Mr.Y.S. Jahagirdar, Senior Advocate with Mrs.Anjali Helekar for the Petitioners.

Mr.Vinit Naik i/b Naik & Iyer & Co. for Respondent No.8.

Ms.Prachi Rane i/b Utangale & Co. for Respondents No.4 and 5.

Ms.Puranik for Respondent No.3.

CORAM : H.L. GOKHALE & S.R. DONGAONKAR, JJ.

DATE : 13TH APRIL 2006

P.C. :

1. Heard the counsel for the parties.

2. This Review Petition seeks review of the order passed by this Bench on 29th March 2006. The Review Petition is filed by an erstwhile developer of the concerned Slum Rehabilitation Scheme which is to come up in the slum areas near Nehru Science Centre at Worli.

What has happened is that the society of the slum dwellers had appointed the Petitioners as the developer earlier. In view of the inaction on the part of the Petitioners, they terminated their authority and appointed Respondent No.8 as the developer. Mr.Jahagirdar, Senior Advocate appearing for the Petitioners, states that in para 5 of our order it is recorded that some 128 structures had been demolished by the new developer and the occupants have been shifted to a rehabilitation camp. He submits that this is a factor which has weighed the court when, according to him, only 30 structures have been demolished.

3. Mr.Naik appearing for Respondent No.8 makes a statement on instructions that 128 structures have been vacated and they have shifted to some other accommodation where rent is being paid by Respondent No.8. He states that apart from vacating these 128 structures, some 60 hutments have been demolished. The particular statement in the earlier order will stand corrected as above.

4. That apart, what we have stated in the order under review is that the developer is only an agent and does not have any more rights as such. It is on account of delay that the society has taken the necessary decision. There is nothing that is required to be

corrected in the order that we have passed. No reason to recall the order. Review Petition is dismissed with the aforesaid correction.

5. Mr.Jahagirdar makes a grievance that some of the documents in favour of Respondent No.8 are undated, unsigned and are perhaps not on the correct stamp papers. Once we have taken the view that the developers are only agents, neither of them can claim any better right.

(H.L. GOKHALE, J.)

(S.R. DONGAONKAR, J.)